

EXHIBIT H

× RavalliRepublic.com

Spreadbury lawsuits begin pretrial hearings

By JEFF SCHMERKER - Staff Reporter | Posted: Monday, August 9, 2010 12:00 am

Attorneys representing the city of Hamilton and Ravalli County on Friday argued for summary judgement in Michael Spreadbury's sprawling \$3.6 million cases against many of the county's civic and municipal officials.

Arguments were made to District Judge John Larson in Hamilton. The Missoula-based judge said he will deliver a written ruling later.

Spreadbury, an unsuccessful mayoral candidate, is seeking a total of \$3.6 million from the county, city and a Hamilton librarian in three separate lawsuits.

In complaints against the city and county attorney's office, Spreadbury said earlier prosecutions against him were made on improper grounds and with intentional malice. Earlier on Friday Larson held a pretrial hearing on an appeal by Spreadbury over his criminal trespassing conviction this spring.

On Friday, attorneys representing the two offices asked for the cases to be dismissed, saying Spreadbury's claims were not backed by evidence, were based on improper readings of law or were simply nonsensical.

Arguing for the county, attorney Michael King told Larson that most of the county attorney's actions Spreadbury claim were injurious to him were actually protected.

"In Montana you can not claim emotional distress when you are legally entitled to do what you have done," King said.

Each of Spreadbury's main assertions, King said, were easily refutable, making any claims to emotional distress irrelevant.

"All four lack merit," he said.

Not true, said Spreadbury.

Prosecutorial immunity did not cover the county attorney in this case, he said, because of the nature of the office's actions.

"I'm not sure how George Corn is entitled to any immunity whatsoever," Spreadbury said.

A key point of Spreadbury's argument is that the trial against him was argued by a law student who, he said, was not properly supervised. The student was supervised by Assistant County Attorney Bill Fulbright, Spreadbury said, but not in a way he had anticipated.

"This has caused immeasurable and irreparable harm to my life and my future," Spreadbury said. "This is the reason this case has been filed."

But the law governing just what students can do in the courtroom is being improperly referenced, King said.

"There is no factual basis for that statement," he said.

Spreadbury's arguments against the city and its attorney, Ken Bell, focus on Bell's authority to try cases in defense of a non-city employee. Spreadbury was found guilty this winter of criminal trespass in an incident at the Bitterroot Public Library. Spreadbury said Bell, as city attorney, had no authority to try the case since the library is not a city facility nor its workers city employees. Spreadbury said Bell could only argue cases in city court.

"That is outrageous," Spreadbury said in explaining how the emotional distress occurred. "He is lost in space."

The entire case, he said, was without merit since it ought to be impossible to charge someone for trespassing in a public space. What if Bell wanted to prosecute Spreadbury for trespassing while in court, Spreadbury asked.

"It would be another year of fun," he said of the resulting lawsuit.

Natasha Jones, arguing on behalf of the city, said Bell's actions fell within the normal scope of duties of a city attorney.

"There's no case or statute that says (otherwise)," she said.

Spreadbury said several times that if a decision is not in his favor, he'll appeal the case.

Reach reporter Jeff Schmerker at 363-3300 or at jeff.schmerker@ravallirepublic.com.